

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN TURNER,

Case No. 2:24-cv-00495-GMN-NJK

Petitioner,

v.

ORDERJEREMY BEAN, *et al.*,

Respondents.

Petitioner John Turner, a *pro se* Nevada prisoner, has filed in this habeas matter a Motion for Default Judgment (ECF No. 10), Motion to Vacate Sentence (ECF No. 12), and Motion for Status Check (ECF No. 14). Also before the Court is Respondents' Motion to Seal (ECF No. 18).

I. Turner's Miscellaneous Motions

a. Motion for Default Judgment and Motion to Vacate Sentence

Turner opposes Respondents' motion to extend time to file their response to his Petition, which the Court has already granted. ECF Nos. 10 at 3, 13. Turner requests that the Court enter default judgment. *Id.* In addition, Turner asserts that because Respondents have not yet filed their response, the Court should vacate his sentence as relief. ECF No. 12 at 2.

The Court finds that Turner's Motions lack merit. The Court has already determined that Respondents presented good cause to extend the response deadline. Moreover, the Court notes that failure to respond to claims asserted in a habeas corpus petition does not automatically entitle a petitioner to default judgment. *Gordon v. Duran*, 895 F.2d 610, 612 (9th Cir. 1990) (citations omitted). Turner's Motions (ECF Nos. 10, 12) are denied.

b. Motion for Status Check

In his Motion, Turner requests a status check. ECF No. 14. The Court will notify you when any action is taken in your case. Due to the large number of civil actions pending before the Court, the Court is unable to respond in writing to individual inquiries regarding status. As

1 long as you keep the Court apprised of your current address, you will receive all court decisions
2 which might affect the status of your case. Turner's Motion (ECF No. 14) is denied.


3 **II. Respondents' Motion to Seal**

4 Respondents seek leave to file under seal (ECF No. 18): Exhibit 16, Petitioner's
5 Presentence Investigation Report ("PSI") (ECF No. 19), dated May 26, 2022. Under Nevada
6 law, the PSI is "confidential and must not be made a part of any public record." Nev. Rev. Stat. §
7 176.156(5). Having reviewed and considered the matter in accordance with *Kamakana v. City*
8 *and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006), and its progeny, the Court finds that a
9 compelling need to protect Turner's safety, privacy, and/or personal identifying information
10 outweighs the public interest in open access to court records. Accordingly, Respondents' Motion
11 is granted, and Exhibit 16 is considered properly filed under seal.

12 It is therefore ordered that Petitioner John Turner's Motions for Default Judgment (ECF
13 No. 10), Motion to Vacate Sentence (ECF No. 12), and Motion for Status Check (ECF No. 14)
14 are denied.

15 It is further ordered that Respondents' Motion to Seal (ECF No. 18) is granted. Exhibit
16 16 is considered properly filed under seal.

17 DATED: November 5, 2024

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20 GLORIA M. NAVARRO
21 UNITED STATES DISTRICT JUDGE
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